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09/291,195	04/14/1999	MASAHITO NIIKAWA	032567-011	1785

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EXAMINER

HANNETT, JAMES M

ART UNIT PAPER NUMBER

2612

DATE MAILED: 08/24/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/291,195

Applicant(s)

NIIKAWA, MASAHIITO

Examiner

James M Hannett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-17 is/are allowed.
- 6) ☒ Claim(s) 1,6 and 7 is/are rejected.
- 7) ☒ Claim(s) 2-5, 8 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

*Response to Arguments*

Applicant's arguments filed 6/1/2004 have been fully considered but they are not persuasive.

The Applicant argues that the prior office action asserted that Watanabe et al disclosed that the computer 2 comprises a processor 31 for creating a region accessible from the pick-up unit 1, and that the controller 58 of the image pickup unit 1 operates to cause a program to be stored in the region. The examiner points out however, that this is not what is stated in the office action. The examiner does not state the controller 58 of the image pickup unit 1 operates to cause a program to be stored in the region. The Examiner viewed the card slot (8) in the computer system as depicted in Figure 3 to be the controller to cause a program to be stored in the region see Page 3, section 2, Line 11-12. Furthermore, Watanabe et al clearly states on Paragraphs [0108-0109] that the camera is controlled by the controller (58) and that the camera is driven by reading a program out of the external memory card (70). Furthermore, Watanabe et al teaches that the image data stored in memory (19) can be processed. This processing is controlled by the control unit (58) and the control unit operates based on a program read from the memory card. Therefore, the processing of the image data in memory is performed by the controller (58). The process of storing a program in the memory card (70) to be read by the camera (1b) is viewed as creating a region in the memory accessible from the camera. Watanabe et al teaches that the external memory card (71) has a stored program stored in memory. Furthermore, Watanabe et al teaches that the camera with the memory card connected to it is designed in such a way that it can be connected to any arbitrary computer. Therefore,

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the examiner views the computer that is connected to the camera can be the computer that initially stored the program into the memory card (71).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**1:** Claims 1, 6 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by US

2003/0128283 Watanabe et al.

**2:** In regards to Claim 1, Watanabe et al teaches on Paragraphs [0056] and [0109-0113] and depicts in Figures 2 and 10 an image processing system including a photographing apparatus (1), and an image processing apparatus (2) to which said photographing apparatus and recording medium (71) can be connected, wherein said photographing apparatus (1) comprises a controller for executing a program stored in said recording medium, and an interface (61) for reading a program for processing the image data recorded in said memory out of an external recording medium (70); and a controller (58) for executing the program read out from the external recording medium (70).

Watanabe et al teaches on Paragraph [0109] that the external memory card (70) stores the program used for driving the camera. Watanabe et al teaches in Figure 3, and on Paragraphs [0109-0113] that the image processing apparatus (2) comprises a processor (31) for creating a region accessible from said photographing apparatus, and a controller

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(8) for causing the program to be stored in the region. Watanabe et al teaches that the camera reads a program off of a memory card (70). It is inherent that a computer recorded the program onto the memory card. This process of storing a program to be read by the camera is viewed as creating a region in the memory accessible from the camera.

3: As for Claim 6, Watanabe et al teaches on Paragraphs [0056] and [0109-0113] and depicts in Figures 2 and 10 the use of a photographing apparatus (1a), comprising: an image sensor (53); a memory (19) for recording image data taken by said image sensor (53); an interface (61) for reading a program for processing the image data recorded in said memory out of an external recording medium (70); and a controller (58) for executing the program read out from the external recording medium (70). Watanabe et al teaches on Paragraph [0109] that the external memory card (70) stores the program used for driving the camera. Watanabe et al teaches that the image sensor captured an image and then stores the single frame of image data into memory. Watanabe et al teaches that image processing is preformed on the image data such as compression. Watanabe et al teaches that the overall control of the camera is controlled by the control unit (58).

4: In regards to Claim 7, Watanabe et al teaches on Paragraph [0109] the memory (70) is attachable to and detachable from said photographing apparatus.

***Allowable Subject Matter***

5: Claims 10-17 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art does not teach nor fairly suggest the use of a camera that executes a program stored in a recording medium that is controlled by an external image processing apparatus.

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Furthermore, the image processing apparatus creates a region accessible from the camera, and causes the program to be stored in the region.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8: Claims 2-5, 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M Hannett whose telephone number is 703-305-7880. The examiner can normally be reached on 8:00 am to 5:00 pm M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is 703-308-6789.

James M Hannett  
Examiner  
Art Unit 2612

JMH  
December 29, 2003

  
TUAN HO  
PRIMARY EXAMINER